

An attempt to shew an agreement to return the money sought to be recovered cannot succeed where it is neither pleaded nor made a ground of appeal.

Roscoe, K.C., for plaintiff, appellant. *Sangster*, for defendant, respondent.

Bench and Bar.

Louis Edmond Panneton, of the City of Sherbrooke, Que. K.C., to be a puisne judge of the Superior Court of Quebec.

Some wag at Osgoode Hall has concocted the following epitaph anent recent changes in the courts of Ontario:—

SACRED TO THE MEMORY
OF
THE DIVISIONAL COURT
OF THE
HIGH COURT OF JUSTICE.
BORN 22ND DAY OF AUGUST, 1881.

DURING ITS CAREER
IT WENT THROUGH VARIOUS
TRANSFORMATIONS
AND
IN THE YEAR 1897
FINALLY
SETTLED DOWN TO ITS LATE FORM,
WHEN,
IN THE BLOOM OF YOUTH,
IT WAS PUT OUT OF EXISTENCE
BY
AN ACT OF THE PROVINCIAL LEGISLATURE.

ITS END CAME QUIETLY,
AND
WITHOUT A WORD OF FAREWELL,
IT PASSED OUT OF EXISTENCE
LIKE SMOKE,
ON
WEDNESDAY, THE 18TH DECEMBER, 1912,
IN THE THIRTY-SECOND YEAR OF ITS AGE.
R.I.P.